

MINUTES  
TIGARD CITY COUNCIL BUSINESS MEETING  
January 8, 2002

- STUDY SESSION

Mayor Griffith opened the meeting at 6:35 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla.

- > COUNCIL GOAL SETTING PREVIEW AND MATERIAL DISTRIBUTION

City Manager Monahan referred to the packet materials distributed to Council for the City Council's January 14, 2002, goal-setting meeting. There was discussion on the goal-setting meeting format and also the City Manager advised that additional information would be sent to the Council on January 11, 2002.

For the goal-setting session, Councilor Scheckla asked for an update on the Washington County Urban Services agreement. Discussion followed. It was noted that the County has indicated that they will soon discuss the possibility of the County collecting Parks Systems Development Charges in the urban services area. There was discussion of the efforts made to date by the City to persuade Washington County to collect Parks SDC's.

- > ADMINISTRATIVE ITEMS

- City Manager Monahan noted that a letter from the Department of Land Conservation and Development (public testimony) regarding Agenda Item No. 10, Transportation System Plan, had been distributed to the City Council.
- Council received revised ordinances for the Pacific Crest and Daffodil Hill annexations to reflect that withdrawal from the Tigard Water District would be on July 1, 2002.
- Consent Agenda Item No. 3.4, Approve the City's Updated Investment Policy, would be pulled from the Consent Agenda for separate discussion.

Council meeting recessed: 6:56 p.m.

- EXECUTIVE SESSION: Cancelled.

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board  
Mayor Griffith called the meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors, Dirksen, Moore, Patton, and Scheckla.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy presented a brief presentation to the City Council regarding activities of Tigard High Leadership. An outline of events was distributed to the City Council.

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Patton, to approve the Consent Agenda with Item 3.4 removed for discussion later in the meeting.

- 3.1 Approve Council Minutes: November 13, 2001
- 3.2 Receive & File:
  - a. Council Calendar
  - b. Tentative Agenda
- 3.3 Approve a Revision to Resolution 00-08, Citywide Personnel Policies, Article 45, Electronic Communication – Resolution No. 02 - 01
- ~~3.4 Approve the City's Updated Investment Policy – Resolution No. \_\_\_\_~~ This item removed from the Consent Agenda and considered at the end of the meeting.
- 3.5 Approve an Application for a Metro/US Fish and Wildlife Service Grant for Implementation of the Fanno Creek Park Enhancement Plan – Resolution No. 02 - 02

The motion was approved by a unanimous vote of Council present.

Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. STATE OF THE CITY ADDRESS
  - Mayor Griffith delivered the State of the City Address. A copy of his speech is on file in the City Recorder's office.
5. EXECUTIVE SUMMARY
  - City Manager Monahan delivered the Executive Summary. A copy of the highlights of his remarks is on file in the City Recorder's office.
6. TIGARD BEYOND TOMORROW VISION 2001 REPORT
  - Assistant to the City Manager Newton presented the Staff Report. Copies of the Staff Report and other information presented during Ms. Newton's presentation are on file in the City Recorder's office.
7. LIBRARY UPDATE
  - Library Director Barnes presented the Staff Report. A copy of the Staff Report and the PowerPoint presentation delivered to the Council are on file in the City Recorder's office.
8. PUBLIC HEARING (QUASI-JUDICIAL) – ZONE CHANGE ANNEXATION (ZCA) 2001-00001 PACIFIC CREST ANNEXATION

The applicant is requesting to annex seven (7) parcels consisting of 28.83 acres into the City of Tigard. The City is also considering to annex two (2) additional parcels in conjunction with this application containing a portion of 2S109BC, Tax Lot 7000 (BPA Power line) and all of 2S105DD, Tax Lot 2200. LOCATION: Washington County Tax Assessor's Map 2S105DD, Tax Lots 100, 201, 1900, 2000, 2100 and 2200; 2S105DA, Tax Lots 400 and 500; and 2S109BC, Tax Lot 7000. ZONE: R-7: Medium-Density Residential District. APPLICABLE REVIEW CRITERIA: The approval standards for annexations are set out in Community Development Code Chapters 18.320.020 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Mayor Griffith opened the public hearing.
- b. Declarations or Challenges - Mayor Griffith asked the following questions:
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

Councilor Scheckla advised he had driven by the area in the past, although not recently.
  - Have all members familiarized themselves with the application?

Council members indicated that they had familiarized themselves with the application.

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

There were no challenges.

- c. Staff Report: Community Development Director Hendryx presented the Staff Report to the City Council. The Staff Report and the PowerPoint presentation information are on file in the City Recorder's office.

The Community Development Director reviewed the four options before the City Council. One proposal would be to annex the area adjacent to the Bonneville Power Administration's (BPA) power line. This could possibly be a future lineal park. In response to questions from Councilor Scheckla, Councilor Patton advised that BPA would perform maintenance consisting of removal of shrubs and trees that interfere with the power lines. City Attorney Ramis noted that there would be no change to City liability of this area should be annexed since the City is not asking for the land to become City parkland. If the City should want volunteers to perform maintenance work on the property next to the power lines, the City would have to enter into an agreement(s) with the right-of-way owners.

Community Development Director described a change to one of the maps showing the area to be annexed. In addition the ordinance was revised and resubmitted to the City Council to reflect that the withdrawal from the Tigard Water District would take place as of July 1, 2002.

Mr. Ramis said that should the annexation be approved, he did not see any issues with regard to Measure 7.

- d. Public Testimony – Mayor Griffith announced the following:
  - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

- George Morgan, 14130 SW 144<sup>th</sup> Avenue, Tigard, Oregon advised he applauded the efforts of the Mayor and Council with regard to reviewing annexations. Mr. Morgan signed in as an opponent to this annexation. He noted the benefits of annexing a larger area to the City of Tigard for planning purposes and implementation of the Comprehensive Plan. He referred to the various options proposed by staff and advised that his preference would be Option 4.

Mr. Morgan noted the importance of resolving issues regarding the transportation system in the Bull Mountain area and the benefits of local control for transportation and land use planning.

- Ken Schelsky, Westlake Consultants, 15115 SW Sequoia Parkway, Tigard, represented the annexation applicant. He advised that they had coordinated with City Staff on their annexation request and have addressed infrastructure needs for streets and the water system. In addition, there will be improved safety measures taken with regard to a gasoline pipeline in the right of way. Site development has been approved and home construction will occur in the near future.

Council discussed the four options. Council members noted they would prefer not to create islands if possible.

- Gretchen Buehner, 13249 SW 136<sup>th</sup> Place, Tigard, Oregon, said she lives the Hillshire Development. She favored the annexation since she believed it would help resolve some transportation issues.

- e. Staff Recommendation: To approve the annexation and select one of the options presented.
- f. Mayor Griffith closed the public hearing.
- g. Council Discussion: Council discussed the options and each noted his or her preference for Option No. 4 and that the City Council did not want to create islands if it could be avoided.

In response to Mr. Morgan's concerns, Councilor Patton explained that the Council had discussed the timing of the two annexations before them this evening. She also noted there would be a meeting to review the findings of the Bull Mountain Study on January 31, 2002. After that date, Council may have more of an idea of how planning should go forward for the Bull Mountain area.

h. Council Consideration:

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 02-01.

ORDINANCE NO. 02-01 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-00001/PACIFIC CREST ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNT ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was adopted by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. PUBLIC HEARING (QUASI-JUDICIAL) – ZONE CHANGE ANNEXATION (ZCA) 2001-00002 DAFFODIL HILL ANNEXATION

The applicant is requesting to annex one (1) parcel of 3.16 acres into the City of Tigard. LOCATION: 13735 SW Bull Mountain Road; WCTM 2S109BA, Tax Lot 1400. ZONE: R-7: Medium-Density Residential District. APPLICABLE REVIEW CRITERIA: The approval standards for annexations are set out in Community Development Code Chapters 18.320.020 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

a. Mayor Griffith opened the public hearing.

b. Declarations or Challenges - Mayor Griffith asked the following questions:

- Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

Councilor Moore advised that he had conversations with the engineer for the subdivision regarding electrical service; however, this contact would not affect his decision.

- Have all members familiarized themselves with the application?

Council members indicated that they had familiarized themselves with the application.

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

There were no challenges.

- c. Staff Report: Community Development Director presented the Staff Report. A copy of the Staff Report and presentation information is on file in the City Recorder's office.

- d. Public Testimony – Mayor Griffith announced the following:

- For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation, which you believe, apply to the decision.

- John Naegli, 13874 SW Leah Terrace advised of his concerns with regard to the proposed subdivision being developed with 18 lots. The original proposal had been for a 14-lot subdivision, but because of standards set for the area inside the urban growth boundary, the number of lots required increased to 18. Mr. Naegli advised he was not in favor of this increased density. He also noted that there were sight distance (fence obscures the view of oncoming traffic) issues affecting traffic safety at the corner of Leah Terrace and Benchview. With increased traffic after the 18 homes are built, safety concerns would become more of an issue.

Mr. Naegli noted his frustration because the neighbors had no say about the development. The 5,000 square-foot lots to be developed in the Daffodil Hill subdivision will be adjacent to 10,000 square-foot lots already built out.

Mr. Naegli noted he would prefer that the long-range planning process allow citizens to provide input early on instead of at the end of the process.

- e. Staff Recommendation: Mr. Hendryx advised that staff recommends approval of the proposed annexation.
- f. Mayor Griffith closed the public hearing.
- h. Council Consideration: Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Ordinance No. 02-02.

Councilor Patton noted that even though the Council was considering the proposed ordinance for the annexation that the Council was not dismissing the concerns expressed during public testimony. Staff will review and report to the Council about the traffic safety sight-clearance issues brought up by Mr. Naegli.

Mr. Monahan noted that the ordinance before the Council had been corrected to reflect that withdrawal from the Tigard Water District would occur on July 1, 2002.

**ORDINANCE NO 02-02 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-00002/DAFFODIL HILL ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF’S PATROL DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

#### 10. PUBLIC HEARING (LEGISLATIVE) – ADOPTING THE TRANSPORTATION SYSTEM PLAN AND AMENDING THE COMPREHENSIVE PLAN

- a. Mayor Griffith opened the public hearing.
- b. Staff Report: Community Development Director Hendryx presented the Staff Report. A copy of the Staff Report and other materials introduced to the City Council are on file in the City Recorder’s office. Mr. Hendryx also introduced Mr. Randy McCourt of DKS Associates who participated in the presentation of information to the City Council.



A letter from the Department of Land Conservation and Development (DLCD) was received by the City Council. It has been determined that no changes are needed to the TSP as a result of the DLCD letter. The issue of narrower street widths can be addressed through Development Code amendments to be prepared and processed in the spring of 2002.

Councilor Scheckla noted concerns with the plan showing a build-out of Hall Boulevard to five lanes. It was noted that this was also an issue for the Washington Square Regional Planning. Mr. Hendryx noted that widening of Hall Boulevard would not be considered until other improvements were made. Councilor Moore also noted that, at this time, Hall Boulevard is a State highway and the City has no authority to design and construct on Hall Boulevard. Mr. Hendryx said that a critical issue with regard to whether or not Hall Boulevard can be widened is the acquisition of right of way and addressing wetlands.

Mr. McCourt said the purpose of the plan is to have a list of projects from which to work so the City can move forward with transportation planning in a coordinated fashion. Councilor Moore commented that if the City had had such plan as the TSP in place 20 years ago, the City probably would not have the transportation issues that it is now facing. Mr. McCourt reminded Council that priorities to plan and implement street improvements are at the Council's discretion.

c. Public Testimony

- Gretchen Buehner, 13249 SW 136<sup>th</sup> Place, Tigard, advised the Council that she would be visiting with the Council about the Washington County Transportation Plan next week. She described some of the transportation projects that are in the discussion stages now.

In response to a comment from Mayor Griffith, Community Development Director Hendryx noted that if the County should come up with projects, the City could review these projects and amend the TSP if need be.

Mr. Hendryx noted the significance of the City of Tigard having its plan in place first when reviewing potential capital improvements to assure they are consistent with the TSP.

- d. Mayor Griffith closed the public hearing.
- e. Council Discussion

Several Council members complimented staff's work on the TSP, which was described as a "massive undertaking."

- f. Council Consideration: Motion by Councilor Patton, seconded by Councilor Moore to adopt Ordinance No. 02-03.

ORDINANCE NO. 02-03 – AN ORDINANCE ADOPTING THE TRANSPORTATION SYSTEM PLAN (TSP) AND AMENDING THE COMPREHENSIVE PLAN TO REFLECT THE UPDATED TSP.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. CONSIDER AN ORDINANCE AMENDING CHAPTER 13.04 OF THE TIGARD MUNICIPAL CODE PERTAINING TO LOCAL IMPROVEMENTS, GENERAL PROCEDURES

Project Engineer Greg Berry reviewed the Staff Report. The Staff Report is on file in the City Recorder's office. He reviewed the proposed changes that would be adopted if the City Council approved the ordinance.

Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Ordinance No. 02-04.

ORDINANCE NO. 02-04 – AN ORDINANCE AMENDING CHAPTER 13.04, LOCAL IMPROVEMENTS – GENERAL PROCEDURES, OF THE TIGARD MUNICIPAL CODE.

The motion was approved by a unanimous vote of Council present.

Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

12. COUNCIL LIAISON REPORTS: None

13. NON AGENDA ITEMS: None

> REVIEW OF CONSENT AGENDA ITEM 3.4

Finance Director Prosser reviewed this agenda item which dealt with the City's investment policy and why changes had been proposed to reflect State law. Mr. Prosser confirmed with Mayor Griffith overall policy of investment for the City of Tigard was not changing. After discussion, it was agreed that the Intergovernmental Water Board should also be advised of the changes to the Investment Policy.

Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Resolution No. 02-03.


RESOLUTION NO. 02-03 – A RESOLUTION APPROVING THE CITY'S UPDATED INVESTMENT POLICY.

The motion was approved by a unanimous vote of Council present.


Mayor Griffith	-	Yes
Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

14. EXECUTIVE SESSION: Canceled

15. ADJOURNMENT: 10:53 p.m.

  
Catherine Wheatley, City Recorder

Attest:

  
Mayor, City of Tigard  
Date: 2-26-02

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